REMARKS

Summary of the Office Action - Status of the claims

Claims 1-4 are pending in the Office Action.

Claims 1-4 are rejected under 35 U.S.C. § 102(e).

Applicants' Response

In this response, Applicants address the Examiner's rejections. Applicants' silence with regard to the Examiner's rejections of the dependent claims constitutes a recognition by the Applicants that the rejections are moot based on Applicants' Remarks relative to the independent claim from which the dependent claims depend. Applicants respectfully traverse all rejections of record.

Rejections under 35 U.S.C. § 102(e)

Claims 1-4 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,385,595 to Kolling et al. ("Kolling").

In order to show that claims 1-4 are anticipated, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131; *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants respectfully submit that Kolling does not disclose or suggest "each and every element" of the claims.

Applicants' independent claim 1 is directed towards a method for electronically routing billing information over a communications network using an open financial exchange communication protocol. Among other things, claim 1 features a "centrally located switching system which allows for server to server, file to server, server to file and file to file connectivity, in part through the use of a file distribution agent, coupled to said bill payment and presentment

system for coordinating the routing of messages between said customer service providers and biller service provider" and "forwarding ... mainframe application files in batch mode to [a] centrally located mainframe system; and converting at said switching system said mainframe application files into Internet accessible addresses for delivery of said messages over the Internet to one or more intended recipients comprising at least one of said customer service providers or said biller service providers." Kolling neither discloses nor suggests at least these features of claim 1.

As an initial matter, Kolling fails to disclose or suggest "forwarding ... mainframe application files in batch mode to [a] centrally located mainframe system; and converting at [a] switching system said mainframe application files into Internet accessible addresses for delivery of said messages over the Internet to one or more intended recipients comprising at least one of said customer service providers or said biller service providers," as featured in independent claim 1. The Examiner cites col. 28, line 20-col. 30, line 35 and Figures 9A and 9B of Kolling as allegedly disclosing all of the features of claim 1, but Applicants cannot locate these features in the cited portions of Kolling. Kolling describes an electronic statement presentment system that, among other things, comprises a central switch and a statement generation workstation (*See* Kolling, Abstract, Figure 3). In the system of Kolling, statement content records are sent in batches to a switch. These batches are sorted by statement generation workstation (SGEN) identifiers. After receiving the statement content records, the switches send the batches of sorted statement content records to the appropriate SGENs based on the associated SGEN identifiers. If necessary, the switch also sends a payment presentation template to the appropriate SGEN. (*See* Kolling, col. 29, lines 13-24, lines 37-40). Nowhere, however, does Kolling disclose or suggest sending mainframe application files to a switch, as featured in claim 1. Further, assuming

arguendo that the statement content records or payment presentation template correspond to mainframe application files, as featured in claim 1, Kolling still fails to disclose or suggest "converting at said switching system said mainframe application files into Internet accessible addresses for delivery of said messages over the Internet to one or more intended recipients comprising at least one of said customer service providers or said biller service providers," as featured in independent claim 1. Instead, as described above, Kolling merely describes a switch that passes necessary files to the appropriate SGEN.

Further, the described SGEN, which is not a switch as featured in claim 1, also does not convert mainframe application files into Internet accessible addresses. Instead, after receiving the appropriate template and statement content records, the "SGEN...loads and *creates a separate database record* for each statement content record according to database file **410** in the template..." and "executes statement generation program...on the newly created database to produce a visual representation of the electronic statement for a particular consumer." (Kolling, col. 29, lines 41-50, emphasis added). In an exemplary embodiment, Kolling describes representing an electronic statement as multiple PDF files. (*See* Kolling, col. 29, lines 52-57). As noted above, the described SGEN is not a switch as featured in claim 1. Further, it is unclear to Applicants how creating a new database based on received files as described, and producing a visual representation of a statement based on that database, can be equated to converting a received a mainframe application file into an internet accessible address.

Also, as described in the Specification and as noted in a prior Office Action response, prior art switching systems do not allow for server to server, file to server, server to file and file to file connectivity. (*See* Specification, paragraph 0026). Applicants respectfully submit that Kolling also fails to disclose or suggest this feature of claim 1. As described above, Kolling does

describe switching systems generally. Unlike the switch in claim 1, however, the switching systems of Kolling do not allow for server to server, file to server, server to file and file to file connectivity. Instead, the cited portion of Kolling merely describes a switch that receives batches of customer records and passes them along with the corresponding templates to the appropriate SGENs. Nowhere, however, does Kolling mention the various connectivity types featured in claim 1.

Accordingly, because Kolling fails to disclose or suggest at least these features of claim 1, Applicants respectfully submit that claim 1 should be allowed. Claims 2-3 depend from claim 1 and should be allowed for at least these same reasons.

Among other things, independent claim 4 recites:

> converting at said switching system said mainframe application files into Internet accessible addresses for delivery of said messages to said intended recipients over said public lines.

These features of claim 4 are similar to features of claim 1 as discussed above. Therefore, claim 4 should be allowed for at least the same reasons discussed above with respect to claim 1.

Based on the foregoing Amendment and Remarks, Applicants traverse the Examiner's rejections of claims 1-4 under 35 U.S.C. §102(e).

CONCLUSION

In view of the foregoing remarks, favorable consideration and allowance of claims 1-4, all pending claims, are respectfully solicited. Applicants hereby authorize the Commissioner to charge payment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 02-4377. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned at (212) 408-2538 in an effort to advance the prosecution of this application.

Respectfully submitted,

October 27, 2009

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